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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Lu et al.

Serial No.: 09/076,517

For: AUDIENCE MEASUREMENT SYSTEM FOR DIGITAL TELEVISION

Filed: May 12, 1998

Group Art Unit: 2614

Examiner: Jason P. Salce

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REPLY BRIEF

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Sir:

In response to the Examiner's Answer mailed November 1, 2005, Applicants respectfully submit the instant Reply Brief on Appeal in accordance with 37 C.F.R. § 41.41.

I. Ground 1 Of The Rejections To Be Reviewed on Appeal Has Been Resolved in Appellant's Favor

The Examiner's Answer withdraws the erroneous 35 U.S.C. § 112, first paragraph, rejections of claims 70, 71, and 159. Therefore, Ground 1 has been resolved in Appellant's favor, and the only issue remaining on Appeal is Ground 2.

II. Reply To Examiner's Argument For Ground 2

Ground 2 is the sole remaining issue for this appeal. The resolution of Ground 2 depends on the answer to two questions:

1) What is the proper construction of the term "control steam?" and
2) Does Aras teach or suggest "extracting at least one identification code for at least one digital stream of a first channel from a control stream of a multiplexed digital transmission?"

Applicants' Appeal Brief provides evidence that fully demonstrates that the broadest reasonable construction of the term "control stream," when read in light of the Applicants' specification, precludes a finding that Aras teaches or suggests "extracting at least one identification code for at least one digital stream of a first channel from a control stream of a multiplexed digital transmission" as recited in the claims on appeal.

In contrast, the Examiner's Answer provides no evidence to refute the Applicants' showing. On the contrary, the Examiner's Answer is based on unsupported assertions and, as explained in the following section, a significant obfuscation.

A. The Construction of "Control Stream"

1. Examiner's Answer Repeatedly Misquotes Applicants' Definition of "Control Stream"

In a legal contest, a party with a weak position frequently seeks to divert the fact finder's attention from the law and/or the evidence at issue in an effort to hide that weakness. For example, the weak party often sets up a strawman by falsely attributing a weak position to his/her opponent and then repeatedly knocking the strawman position down to give the *appearance* of successfully attacking the opponent's argument *while, in fact, the party with the weak position is actually ignoring the*

substance of the opponent's position. The Examiner's Answer follows this well worn, but transparent, tactic in an effort to divert the Board's attention from the strength of the Applicants' position.

More specifically, the Examiner's Answer sets up a strawman by (1) repeatedly *ignoring half of Applicants' definition* of "control stream," (2) applying that *incorrect* definition to Aras, and then (3) knocks down the strawman by repeatedly concluding that Aras meets the Applicants' own definition. This tactic can be easily seen by comparing the actual text of the Appeal Brief to the arguments made in the Examiner's Answer. For example, after carefully explaining the relevant operation of digital television (Appeal Brief, Pages 30-32), the Appeal Brief explains:

> In view of the foregoing, the term "control stream" would be understood by a person of ordinary skill in the art to encompass a program guide or other stream directed purely to the operation of the reception equipment as opposed to data streams reflecting content which may be tuned and presented by the reception equipment.

(Appeal Brief, Page 32, lines 4-8). The Examiner's Answer is fully aware that the entirety of the above quote constitutes the definition of "control stream" expounded by the Applicant, as the Examiner's Answer quotes this definition in full at Page 10, lines 14-17. However, while the Examiner's Answer quotation of this definition creates the impression it is applying Applicants' definition in the remainder of the Answer, that impression is false. In fact, every other alleged usage of that definition contained in the Examiner's Answer *completely ignores* the phrase "as opposed to data streams reflecting content which may be tuned and presented by the reception equipment." This omission is painfully apparent, at Page 10, lines 18-22, where the Examiner's Answer states:

> The examiner notes that by Applicants' own definition, Aras meets the limitation of a "control stream". A video, audio or any type of data stream (which are all transmitted together) is "*directed purely to the operation of the reception equipment*", and therefore can be considered a control stream according to the definition provided by the Applicant.

(Examiner's Answer, Page 10, lines 18-22)(emphasis in the original). The phrase "***as opposed to data streams reflecting content which may be tuned and presented by the reception equipment***" from Applicants' actual definition of "control stream" is conspicuously absent from the definition the Examiner's Answer falsely attributes to the Applicant.

In other words, whereas the Applicants' definition carefully states that a control stream "encompass a program guide or other stream directed purely to the operation of the reception equipment, *as opposed to data streams reflecting content which may be tuned and presented by the reception equipment,*" the Examiner's Answer states that *Applicants' definition* of control stream is met by any type of data stream because "a video, audio or any type of data stream (which are all transmitted together) is "*directed purely to the operation of the reception equipment*", and therefore can be considered a control stream according to the definition provided by the Applicant." However, even a cursory read of Applicants' *actual* control stream definition demonstrates that video and/or audio streams are *expressly excluded* from the definition, because they are "data streams reflecting content which may be tuned and presented by the reception equipment." Therefore, the position taken in the Examiner's Answer is disingenuous. The definition the Examiner's Answer attributes to the Applicant is not, in fact, Applicants' definition at all.

The heart of the Examiner's Answer is based on this disingenuity. In addition to the example given above, the Examiner's Answer pretends to apply Applicants' definition in at least two other instances, namely, at Page 11, lines 4-7, and at Page 12, lines 6-15. The latter example is particularly egregious. In particular, the Examiner's Answer states:

> The Applicants' remaining arguments state that the AVI information codes are embedded into a data stream, not a control stream. ***Again, the Applicant has defined "control stream" as, "or other stream directed to the operation in the reception equipment."*** Aras discloses that the AVI information can be embedded in various control stream of the transmitted broadcast signal (audio, video or data) at Column 13, Lines 34-50, including an NTSC video signal or an MPEG video signal. ***Since any of these streams (video, audio or data stream) are "other stream(s) directed purely to the operation of the reception equipment", by Applicants' own definition,*** the AVI information code(s) are embedded into a "control stream". Therefore, the data stream in the cited (by Applicants) portions of Aras is clearly a "control stream".

(Examiner's Answer, Page 12, lines 6-15)(emphasis added). Again, it is unmistakable that the Examiner's Answer is applying only a portion of Applicants' definition, ignoring the balance of the same, and then arguing that the full definition is met. This effort to divert the Board's attention from the actual definition at issue is a strong signal that the Examiner's position is without merit.

As shown above, the Examiner's Answer begins and ends with a falsehood. It deliberately applies only a portion of Applicants' definition to Aras in an attempt to create the demonstrably false impression that Aras meets the limitations of the claims under the Applicants' definition of "control stream." However, as demonstrated by the evidence in the record, when the term "control stream" is properly construed in the

context of the application on appeal, Aras does not teach or suggest extracting at least one identification code for at least one digital stream of a first channel from a control stream of a multiplexed digital transmission.

2. The Examiner's Answer States That The Specification Offers No Clear Definition of "Control Stream"

The Examiner's Answer states "The examiner notes that the specification provides no clear definition of a 'control stream'..." (Examiner's Answer, Page 10, lines 2-4). The Examiner offers absolutely no evidence to support this conclusory statement. In sharp contrast, the applicants explain in detail why and where the definition of "control stream" proffered in the Appeal Brief is supported by the specification. Specifically, after providing the definition of "control stream" (Appeal Brief, Page 32, lines 4-8), the Applicants' Appeal Brief spends four full pages quoting and discussing in detail how the Applicants' specification supports this definition (see Appeal Brief, Page 32, line 9 through Page 36, line 4).

In response to these four full pages of explanation, the Examiner's Answer fails to offer even a shred of evidence as to why the Applicants' definition of "control stream" is in any way incorrect or inconsistent with the specification. Indeed, the Examiner's Answer *completely ignores* the evidence presented in the Appeal Brief. Instead, the Examiner's Answer merely offers the unsupported conclusion that "The examiner notes that the specification provides no clear definition of a 'control stream'..." (Examiner's Answer, Page 10, lines 2-4).

In other words, whereas the Applicants' Appeal Brief relies on actual evidence to support its position, the Examiner's Answer cites no evidence to support it's position

or to refute the Applicants' position. Instead, the Examiner's Answer is based on unfounded assertions and speculation. However, the law of the United States of America is clear. The Applicants are entitled to a patent unless the PTO can identify actual evidence of anticipation or obviousness. In re Rouffet, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998) ("In the absence of a proper prima facie case of obviousness, an Applicant who complies with the other statutory requirements is entitled to a patent."); In re Warner, 379 F.2d 1011, 1017 (C.C.P.A. 1967) ("The Supreme Court... foreclosed the use of substitutes for facts in determining obviousness under section 103. The legal conclusion of obviousness *must be supported by facts*. Where the legal conclusion is not supported by facts it cannot stand.") Patent claims must be allowed or rejected based on evidence. In re Warner, 379 F.2d at 1017. They cannot be rejected based on speculation, personal opinion, or naked conjecture. The speculative approach to the claim construction inquiry reflected in the Examiner's Answer amply demonstrates that Applicants' definition of "control stream" is the correct construction supported, as it is, by actual evidence, and that all claims at issue in this appeal are patentable as a matter of law and fact.

3. Examiner's Answer Applies An Unreasonably Broad Definition of "Control Stream"

With respect to the definition of "control stream," the Examiner's Answer states:

> The examiner notes that the specification provides no clear definition of a 'control stream' and therefore, the examiner has given this limitation the broadest reasonable interpretation. The examiner interprets the limitation 'control stream' as any stream of video, audio,

> and/or data that is used by the receiver to control any function of a receiver.

(Examiner's Answer, Page 10, lines 2-6). The above quote refers to a "broadest reasonable interpretation," but omits any reference to the Applicants' specification. This omission demonstrates that the Examiner's Answer offers a construction of "control stream" that is made in a vacuum, not a construction that is made with reference to the Applicants' specification as required by law. This, in and of itself, is reversible error.

Further, the Examiner's Answer provides no evidence in support of its proposed construction. Instead, the Examiner's Answer has merely issued a conclusion with no supporting evidence as to what the term "control stream" should, apparently in the Examiner's personal opinion, mean in this application. However, as discussed above, patent claims must be construed based on evidence. In re Warner, 379 F.2d at 1017. They cannot be construed, examined or rejected based on speculation, personal opinion, or naked conjecture. Therefore, given the fact that Applicants have offered actual evidence in support of its proffered construction of "control stream," and the Examiner's Answer has failed to offer any evidence to support its position, the Board must adopt the Applicants' definition as the only definition supported by the evidence of record.

The reason the Examiner's Answer offers no evidence to support its claim construction is that none exists. In this regard, the Board is respectfully reminded that the "fact that claims receive their broadest reasonable meaning during the patent examination process does not relieve the PTO of its essential task of examining the entire patent disclosure to discern the meaning of claim words and phrases." Rowe v.

Dror, 42 U.S.P.Q.2d 1550, 1555 (Fed. Cir. 1997). Further, "claims are read in light of the disclosure of the specification on which they are based, not in a vacuum." In re Dean, 130 U.S.P.Q. 107, 110 (C.C.P.A. 1961). The Examiner's claim construction does not follow these legal principles, but instead gives the term "control stream" an intentionally overbroad and unreasonable meaning with absolutely no reference to the context of the application.

In particular, the Examiner's Answer contends that the term "control stream" should be construed as "any stream of video, audio, and/or data that is used by the receiver to control any function of a receiver." (Examiner's Answer, Page 10, lines 4-6). However, while this is certainly a broad construction of the term "control stream," it is not a reasonable one.

The construction of "control stream" proffered by the Examiner's Answer defines any television program as a "control stream." As explained by the Examiner's Answer: "For example, in Aras, a video stream allows control of the receiver to display a video program, and an audio stream allows control of the receiver to play the audio for the television program currently being viewed." (Examiner's Answer, Page 10, lines 6-8). Thus, according to the Examiner's Answer, any video stream that can be displayed on a television and/or an audio stream that can be heard via a speaker of the receiving device is a control stream simply because these streams are used by the receiver. However, such a definition of "control stream" is unreasonably overbroad for several reasons.

First, the definition of "control stream" presented in the Examiner's Answer runs afoul of the ordinary meaning of the term "control stream" in the digital broadcasting industry. A person of ordinary skill in the art understands that, in digital

broadcasting, a video stream, an audio stream, and a control stream of packets are multiplexed and broadcast together. The video and audio streams are streams of video and audio packets associated with multiple programs. They contain the substance (i.e., the audio and video content) of, for example, simultaneously broadcast television programs carried on the same frequency (e.g., "Seinfeld" and "Fraser"). The packets of two or more programs (e.g., "Seinfeld" and "Fraser") may well be multiplexed when broadcast and received by the receiving device. In order for the receiving device to know which packets to display when, for example, the user of the receiving device wants to watch Fraser, the receiving device references the control stream to obtain the packet identifier (PID) distinguishing the audio and video packets containing the substance of the Fraser program from the audio and video packets containing the substance of Seinfeld. The PID informs the receiving device as to which of the audio and video packets contained in the multiplexed stream of packets received in the tuned broadcast channel are to be displayed, and which of those packets are to be discarded. Thus, the control stream provides the information used to tune programs of multiplexed audio and/or video packets received at the receiving device, whereas the audio and/or video streams contain the content to be displayed. Given this usage in the industry, a person of ordinary skill in the art would never misconstrue the term "control stream" to mean the audio and/or video streams in a digital broadcast.

Second, the Examiner's unreasonably overbroad definition of "control stream" is unsupported by the Applicants' specification and, thus, is errored as a matter of law. As explained in the Appeal Brief, Applicants' specification contemplates logging PIDs (i.e., identification codes) from a control stream as defined by the Applicant's definition. For example, the specification states:

> If the current operating task ***does not use a packet of television programming*** as determined at a block 504, the software agent 500 at a block 514 determines whether the current operating task is a command to other monitored equipment (e.g., a command to the digital television receiver 110 to tune a different channel and to select a particular one of the N programs being broadcast in that channel).
>
> . . . If the current operating task is not a command to other monitored equipment, the software agent 500 at a block 518 determines if co-transmitted data (i.e., data that is related to one of the television programs being broadcast in a channel and that is transmitted during the same time interval as the program) has been selected by a viewer. ***Co-transmitted data may comprise a guide to other available television programming***, catalog-like details on products being advertised on the co-transmitted program, and the like. ***Some of these proposed uses of co-transmitted data will be configured so that one can infer what program is being viewed from a URL or other label that logically links the co-transmitted data to the television program. Accordingly, the software agent 500 at a block 520 searches the header portion of a task for such URL or other label, and logs such URL or other label that is found.***

(Page 48, line 12-Page 49, line 18). Thus, Applicants' specification clearly contemplates logging PIDs/identification codes from program guides/control streams when the detected operating system event does not relate to a data packet, but instead relates to the program guide.

This point is further demonstrated in the following quote from the applicants' specification:

> . . . ***Moreover,*** although the change in technology may obviate the use of some of the codes, such as those described above, other codes (e.g., ***digital data packet codes telling a receiving site which of several interleaved programs is associated with a given data packet) are expected to be broadcast both with television programming and with any co-transmitted data that are***

> ***related to, and intended to be used in conjunction with, one or more of the programs.***

(Page 6, lines 15-23)(emphasis added). The specification of the instant application, thus, clearly supports the use of the term "control stream" to be consistent with its ordinary usage in the art, namely, to encompass a program guide or other stream directed purely to the operation of the reception equipment as opposed to data streams reflecting content which may be tuned and presented by the reception equipment.

The Examiner's Answer ignores the reality of the person of ordinary skill in the art of the digital broadcast industry and the reality of the Applicants' specification and instead invites the Board to engage in a semantics game. In particular, the Examiner's Answer invites the Board to violate the law by ignoring Applicants' specification and the ordinary meaning of the term "control stream," to deconstruct the term "control stream" into the terms "control" and "stream," and to then construe those terms in a vacuum. Under this overly broad approach, if a bathtub above a television overflows, the stream of water that falls from the ceiling and short circuits or otherwise distorts the operation of the television is a "control stream" because it is a stream that has an effect on the operation of the television.

As shown above, the construction proposed by the Examiner's Answer has no evidentiary support in fact, violates the well established patent law of the United States of America, and leads to a plainly absurd result. In contrast, Applicants' construction of "control stream" is supported by evidence, and is consistent with the specification and the ordinary meaning of the term as used in the digital broadcast industry. Clearly, on such a record, the Applicants' definition of the term "control stream," is the broadest reasonable construction, and that construction must be adopted by the USPTO.

B. Aras Does Not Teach or Suggest Extracting Identification Codes From A Control Stream

1. Aras Inserts AVI codes in Content/Data Streams

As discussed above, the proper construction of "control stream" as used in the claims on appeal is:

> a program guide or other stream directed purely to the operation of the reception equipment as opposed to data streams reflecting content which may be tuned and presented by the reception equipment.

With this construction in mind, it is clear that Aras does not teach or suggest extracting at least one identification code for at least one digital stream of a first channel from a control stream of a multiplexed digital transmission as recited in the claims on appeal.

While Aras certainly discloses extracting an identification code, that code is extracted from a content/data stream, not a control stream, of a multiplexed digital transmission. As shown in FIG. 3 of Aras, Aras contemplates inserting identification codes (AVI-B, AVI-F) into a content/data stream, not a control stream. Indeed, Aras could not be more explicit on this point. It states:

> AVI information [identification codes] may be pre-embedded in the AVM [audio visual material] or integrated on the fly as the AVM is broadcast or the AVI information may be partially pre-embedded and partially embedded on the fly. ... only AVI-B, only AVI-F, or a combination of AVI-B and AVI-F field may be embedded into the content, as shown in FIG. 3.

(Aras, Col. 11, ll.44-67)(emphasis added). Aras also states, "Each of the plurality of AVMs that are provided to the home station would have the AVI embedded in their respective AVM data streams (or at least those for which behavior and monitoring is desired)." (Aras, Col, 12, ll. 18-21)(emphasis added). Therefore, it is quite clear that Aras only discloses extracting identification codes from a data/content stream. There is

no disclosure or suggestion in Aras of extracting an identification code (e.g., an AVI) from a control stream or program guide, or of time stamping the identification codes extracted from such a control stream/program guide.

The Examiner's Answer relies on its erroneously overbroad construction of the term "control stream" to find extraction of an identification code from a control stream in Aras. To this end, the Examiner's Answer cites several sections of Aras to allegedly teach the extraction of identification codes from the control stream of a multiplexed digital transmission. For the convenience of the Board, each section of the Aras text identified in the Examiner's Answer is quoted below.

> In the preferred embodiment in order to identify the content of audio-visual material, all audio-visual material will be encoded with a unique Audio-Visual Identifier (AVI).

(Aras, Col. 7, lines 31-33). Clearly, the above quoted passage merely indicates that all content will be coded. There is no mention of a control stream here. On the contrary, coding the content suggests that the codes will be embedded in the content/data streams themselves.

> The extracted or captured or decoded AVI information is used to determine which, when and what audio-visual materials were presented to the subscriber.

(Aras, Col. 7, lines 64-67). There is no mention of where the AVI codes are located in the above passage.

> The home station monitors the AVM or AVMs selected by the subscriber for presentation. The home station extracts the AVI information accompanying the AVM(s) selected by the subscriber. Extraction or decoding of the AVI information is based on the physical signal structure of the particular AVM selected. For example, in a AVM using standard NTSC signal format ***with AVI information encoded in the vertical blanking interval***

> ***(VBI), the AVI information is extracted from the vertical blanking interval.***
>
> ***The AVI information will be embedded in a plurality of data channels*** in the various television and audio transmission media. The basic data channel must have features to detect the presence of the channel, and fields to delineate valid AVI codes. ***One example realization of the AVI code is the closed captioning data present in an NTSC video signal.*** This signal includes a clock run to indicate the presence of the data channel and framing bits to indicate the start of a data field. With the closed captioning channel, the approximate transmission rate is 480 bits/sec which would allow for a short AVI-B field and less frequent AVI-E fields. ***In other implementations, such as in an MPEG-2 transport stream, the AVI information can be inserted as private data. The presence of an MPEG-2 transport stream in a data channel*** can be detected through sync.sub.-- byte field of the MPEG-2 transport packets. The MPEG-2 transport stream includes error checking information for the whole packet. In this case, the CRC fields of the AVI's will provide supplementary protection.
>
> Extraction of AVI information may be performed and the results buffered until all necessary AVI information can be assembled depending on the available bandwidth in the AVM signal. AVI information may be encoded in scrambled or encrypted format as well. This requires that AVI information be decoded after the descrambling or decrypting.

(Aras, Col. 13, lines 25-58)(emphasis added). The above section discusses where the AVI codes can be located. In no instance is locating the codes in the control stream taught or suggested. On the contrary, Aras specifically contemplates locating the codes in a content/data stream in each of these instances.

> The signals provided to the home station may be compressed using a compression scheme such as MPEG1 or MPEG2 or some other compression scheme.

(Aras, Col. 6, lines 62-65). Again, the fact that the data streams may be compressed says nothing about locating codes in a control stream.

Behavior Collection Table (BCT)

Sample BCTs are shown in FIGS. 10-13. In FIG. 10, note that AVI identification number as shown in column 601 of the table and the Start index in column 603 are derived from the AVI information ***embedded in the AVM*** provided to the home station and displayed on the home station's display. The start index 603 is the first time index that the home station receives for a particular AVM when the home station was presenting the AVM associated with the audio visual identifier 601 (or at least the time the AVI information was received on the channel to which the home station is tuned). The Last Index 605 is the last time index that the home station received while presenting the AVM. The AVI may have changed due to a commercial, a channel change event or termination or expiration of the AVM. For instance, the associated AVI may change without the subscriber changing channels in that a half-hour sitcom may have several commercials each having their own AVIs or the sitcom may end after all the presentation of the entire AVM.

As shown in FIG. 11, in an alternative embodiment the start index 603 and last index 605 may be replaced with start time 609 end time 611. In this alternative embodiment a time of day clock must be provided for in the home station so that when entries are to made into the behavior table the clock can be read and the time written to the behavior collection table.

(Aras, Col. 20, lines 15-40). Again, the above cited passage makes no mention of extracting codes from a control stream. On the contrary, this passage indicates that the codes are embedded in the content (i.e., the audio visual materials referred to as AVM in Aras), not in the control stream.

As shown above, a review of each of the passages cited in the argument of the Examiner's Answer fails to uncover even a hint of extracting identification codes from a control stream of a multiplexed digital transmission as recited in the claims on appeal. Indeed, nothing but an attempt to improperly read Aras in view of the teachings of Applicants' disclosure would lead one to even consider such an approach from the

passages cited by the Examiner's Answer. Accordingly, the Examiner's Answer fails to provide any evidence that Aras et al. meets or suggests the recitations of the claims on appeal.

2. Inserting AVI Codes In MPEG Packets

The Examiner's Answer contends that inserting AVI codes into MPEG-2 packets as stated in Aras is inserting AVI codes into control streams. However, MPEG-2 is merely an algorithm to compress data streams, in particular, video streams. As such, the discussion in Aras of inserting AVI codes into MPEG-2 packets (Aras, Col. 13, lines 44-52) is merely a more specific statement of Aras' general proposition, namely, of inserting AVI codes into content/data streams. Again, this provides no teaching or suggestion of extracting AVI codes from a control stream as properly construed.

3. The Claim of Aras Conclusively Demonstrate That Applicants Have Correctly Understood Aras As Extracting Codes from Data Streams

A brief review of the Aras claims demonstrate that Aras did not contemplate extracting AVI codes from a control stream, but only contemplated extracting the AVI codes from the tuned content/data streams. Consider claim 1 as an example. Aras claim 1 includes, among other things:

> a remote that permits the subscriber ***to select for presentation an audio-visual material stream*** for presentation from a plurality of audio-visual streams;
>
> an audio-visual identifier decoder ***for extracting the audio-visual identifier information from the audio-visual material selected by the subscriber***.

(Aras, Col. 27, lines 21-26)(emphasis added). Clearly, extracting audio-visual identifier information from ***the*** audio-visual material selected for presentation by the subscriber is extracting the AVI code from a content/data stream, not from a control stream, since a content/data stream is presented to the subscriber, and the control stream is not.

3. Conclusion

In conclusion, the Applicants' have provided evidence that their construction of the term "control stream" is consistent with the specification and with the ordinary meaning of that term. The Examiner has not provided any evidence to the contrary. Further, the Examiner has failed to provide any evidence in support of his overbroad claim construction. Accordingly, it is clear that the Applicants' construction is the correct one.

In addition, the Examiner has failed to identify even a single instance or suggestion in Aras of extracting an identification code from a control stream as recited in the claims on appeal. On the contrary, the Applicants have provided evidence that Aras does not meet the recitations of the pending claims. Accordingly, on the record before the Board, the claims on appeal are patentable over Aras.

In view of the foregoing, Ground 2, like Ground 1, must be resolved in favor of the Applicants. Claims 70, 71 and 159 are patentable to the Applicants over Aras and all of the rejections made in the final Office action must be overturned.

Respectfully submitted,

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